

1 101. WHEREFORE, Plaintiff respectfully seeks the entry of an Order and Judgment
2 in its favor and against the Defendants as follows:

3 A. As to Count I, declaring that Plaintiff is a beneficiary of the PACA Trust Assets,
4 and entering a Judgment holding Defendants Company, J. Downs, L. Downs and Downs LLC
5 liable, jointly and severally, for Plaintiff's compensatory damages of \$328,000, plus pre-
6 judgment interest from the date each invoice became past due at the legal rate or any contract
7 rate, an award of costs, and an award of attorneys' fees, as allowed by contract.

8 B. As to Count II, entering an Order and Judgment directing Company to
9 immediately pay Plaintiff \$328,000 in compensatory damages, plus pre-judgment interest from
10 the date each invoice became past due at the legal rate or any contract rate, an award of costs,
11 and an award of attorneys' fees, as allowed by contract.

12 C. As to Count III, entering an Order and Judgment directing Company and to
13 immediately pay Plaintiff \$328,000 in compensatory damages, plus pre-judgment interest from
14 the date each invoice became past due at the legal rate or any contract rate, an award of costs.

15 D. As to Count IV, requiring Principals to disgorge and transfer any and all PACA
16 Trust Assets that came into their possession and control to Plaintiff in the amount of
17 \$328,000.00, plus disgorgement to Qualified Unpaid PACA Trust Claimants plus interest from
18 the date of each invoice became past due.

19 E. As to Counts V through IX, entering an Order and a Judgment in favor of
20 Plaintiff and Qualified Unpaid PACA Trust Claimants and against HSBC as follows: (1)
21 declaring all liens, security agreements, and secured interests and rights of HSBC in and to the
22 PACA Trust Assets of Company (including funds received by HSBC through the Factoring
23 Agreement and the proceeds of the AXIS Policy) are subordinate and inferior to the rights of
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1 Plaintiff's and Qualified Unpaid PACA Trust Claimants' PACA trust claims (2) declaring that
2 the assets pledged, deposited, conveyed to, paid to, secured to, transferred to HSBC from
3 Company are priority PACA Trust Assets and that HSBC's rights are subordinate and
4 inferior to the priority and superior rights of the claims of Plaintiff and Qualified Unpaid PACA
5 Trust Claimants for an amount up to \$3,800,00.00; (4) requiring HSBC to immediately account
6 for and disgorge all PACA Trust Assets to Plaintiff and Qualified Unpaid PACA Trust
7 Claimants in an amount up to \$3,800,000.00; and (5) awarding costs and pre-judgment interest
8 to Plaintiff.
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10 F. As to Count X, directing the Company to maintain PACA Trust Assets equal to
11 the sum of \$3,800,000.00 for Plaintiff and Qualified Unpaid PACA Trust Claimants plus the
12 claims of all other unpaid suppliers of Produce that properly preserved their PACA Trust
13 claims, enjoining Company from dissipating PACA Trust Assets and directing Company to
14 replenish the PACA trust to a level sufficient to satisfy all qualified trust claims and creating a
15 claims procedure to qualify the claims of Qualified Unpaid PACA Trust Claimants.
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17 G. As to all counts, granting such other and further relief as the Court deems just,
18 proper, equitable, and appropriate upon consideration of this matter.
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20 Dated: July 13, 2023.

STOKES LAW OFFICE LLP

21 By: /s/ Craig A. Stokes
22 Craig A. Stokes

23 *Attorneys for Plaintiff*
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